

transmission signals, each separately spread, that are transmitted in parallel by separate antennas of a base station; (2) measuring the reception power of each despread midamble; (3) combining the measured reception powers of the despread midambles to obtain a combined reception power; and (4) controlling an uplink transmission power according to a propagation loss, which is the difference between the transmission power used by the base station apparatus to transmit the transmission signals and the combined reception power.

The Final Rejection proposes that Nakano discloses despreading a plurality of received transmission signals so that the reception power of each despread signal may be measured and combined to determine the combined power level (Final Rejection section 2, lines 4-13). However, the Final Rejection does not propose, nor does Nakano disclose, that the transmission signals despread, measured, and combined by Nakano's receiver are transmitted in parallel by separate antennas of the same base station, as recited in claim 10.

By contrast to the above-noted claimed feature, Nakano discloses that the transmission signals, which are despread, measured, and combined, are each transmitted by a separate base station. More specifically, Nakano discloses transmitting downlink information from two geographically separate base

stations so that a mobile receiver may diversity combine the two transmission signals, making use of their combined reception powers (see Nakano Fig. 11 and col. 7, lines 46-51). By combining the reception power of the two signals, Nakano's system can reduce the transmission power required from each base station to communicate the downlink information to the mobile receiver (col. 3, lines 20-25). And by reducing the power required for a base station to communicate information in one downlink channel, Nakano's system reduces the amount of interference this channel creates for other communication channels (col. 3, lines 13-19).

However, Nakano's system is not capable of providing the advantages that may be achieved with the invention defined by claim 10. The claimed invention may be used to quickly determine the average reception power for a communication received from a base station when the information to be measured is communicated in parallel over multiple channels, rather than communicating the same amount of information over a long time period in a single channel. In this way, the reduction in the amount of time required to determine the reception power is proportionate to the number of channels communicating the measured information in parallel. For example, if a base station communicates the information to be measured in ten channels, the amount of time required to measure the average received power from the base

station may be about one-tenth the amount of time required using a single channel.

Nakano discloses that when the receiver illustrated in Fig. 11 does not diversity combine signals received from two separate base stations, then only one desreading unit 19a or 19b despreads the signal received from a base station and combining unit 21 does not carry out any combining (col. 7, lines 49-52). In brief, Nakano's receiver does not combine the power or power measurements of multiple, separately spread signals received from a single base station. As a result, it necessarily follows that Nakano's system cannot regulate uplink power control in accordance with the combined measured power of information communicated from a single base station in multiple, separately spread transmission signals. Therefore, Nakano does not teach the advantage that may be achieved by the present claimed invention and provides no motivation for pursuing it.

The Applicants' Description of Related Art and Nagano do not supplement the teachings of Nakano with respect to the above-described features distinguishing claim 10 from Nakano, nor does the Final Rejection propose that they do. Instead, the Final Rejection cites the Applicants' Description of Related Art only for providing the teaching of measuring the power of information communicated in a midamble of a transmission signal (Final

Rejection section 2, lines 13-18). Nagano is cited only for teaching uplink channel power control based on the propagation loss of a downlink channel (page 3, lines 3-13). The Applicants respectfully submit that the combined teachings of Nakano, the Applicants' Description of Related Art, and Nagano would not motivate a skilled artisan to modify Nakano's system so as to achieve the Applicants' claimed subject matter.

Accordingly, the Applicants submit that the individual or combined teachings of the applied references do not render obvious the subject matter defined by claim 10. Independent method claim 14 recites the above-described features distinguishing apparatus claim 10 from the applied references, but with respect to method steps. Claim 14 is thus allowable over the applied art for similar reasons that claim 10 is allowable thereover.


Therefore, it is submitted that allowance of claims 10 and 14 and all claims dependent therefrom is warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone

the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



James E. Ledbetter

Registration No. 28,732

Date: November 22, 2005  
JEL/DWW/att

Attorney Docket No. L9289.01160  
STEVENS DAVIS, MILLER & MOSHER, L.L.P.  
1615 L Street, N.W., Suite 850  
P.O. Box 34387  
Washington, D.C. 20043-4387  
Telephone: (202) 785-0100  
Facsimile: (202) 408-5200